

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 31
SALARIES OF OFFICERS

31-3101. OFFICERS TO RECEIVE SALARIES AND ACCOUNT FOR FEES. The salaries of county officers as full compensation for their services must be paid monthly from the county treasury, upon the warrants of the county auditor, and it shall not be necessary for the board of commissioners to allow or audit the claims for such salaries when the salaries of such officers are fixed by law or have been fixed or approved by action of the board of commissioners. All actual and necessary expenses incurred by any county officer or deputy in the performance of his official duty shall be a legal charge against the county, and shall be certified by receipts to the county auditor. The county auditor shall then issue a county warrant in the amount so certified, payable to the officer or deputy submitting the certification, and the warrant paid shall be charged against said officer's budget. When any such officer or deputy shall use his private car as a means of travel in the performance of his official duty the actual and necessary expense of the use of such car shall be determined by the county commissioners of each county and allowance made therefor at a rate for each mile driven shall be applied uniformly to each officer or deputy in that county and such allowance shall be the full amount allowable for travel expense when such car is used. All fees which may come into his hands from whatever source shall be turned into the county treasury daily, weekly, monthly, or quarterly as determined by the county commissioners. He shall, at least quarterly, file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all fees received, which must be audited by the board as other accounts.

[(31-3101) 1899, p. 405, sec. 1; reen. R.C. & C.L., sec. 2115; C.S., sec. 3694; am. 1929, ch. 21, sec. 1, p. 22; I.C.A., sec. 30-2601; am. 1935, ch. 25, sec. 1, p. 41; am. 1961, ch. 15, sec. 1, p. 15; am. 1974, ch. 231, sec. 1, p. 1588; am. 1980, ch. 182, sec. 1, p. 403.]

31-3102. REFUSAL TO ACCOUNT IS EMBEZZLEMENT. Any county officer or deputy who shall neglect or refuse to account for and pay into the county treasury any money received as fees or compensation in excess of his actual and necessary expenses, incurred in the performance of his official duties, within ten (10) days after his quarterly settlement with the county, shall be guilty of embezzlement of public funds, and be punishable as provided for such offense.

[(31-3102) 1899, p. 405, sec. 2; reen. R.C. & C.L., sec. 2116; C.S., sec. 3695; I.C.A., sec. 30-2602.]

31-3106. SALARIES OF COUNTY OFFICERS. It shall be the duty of the board of county commissioners of each county, through the county budget process, as detailed in [chapter 16, title 31](#), Idaho Code, to fix the annual salaries of the several county officers as of and from October 1 for the next ensuing year.

[(31-3106) 1899, p. 405, sec. 3; compiled and am. R.C., sec. 2118; am. 1909, p. 220, sec. 1; am. 1911, ch. 103, sec. 1, p. 345; compiled and reen. C.L., sec. 2118; C.S., sec. 3699; am. 1929, ch. 157, sec. 4, p. 285; I.C.A., sec. 30-2606; am. 1937, ch. 73, sec. 1, p. 98; am. 1941, ch. 142, sec. 2, p. 277; am. 1943, ch. 155, sec. 1, p. 312; am. 1945, ch. 9, sec. 1, p. 12; am. 1947, ch. 78, sec. 1, p. 127; am. 1949, ch. 211, sec. 1, p. 445; am. 1951, ch. 74, sec. 1, p. 115; am. 1951, ch. 293, sec. 1, p. 649; am. 1953, ch. 117, sec. 1, p. 170; am. 1955, ch. 174, sec. 1, p. 353; am. 1957, ch. 313, sec. 1, p. 671; am. 1959, ch. 21, sec. 1, p. 50; am. 1961, ch. 4, sec. 1, p. 6; am. 1963, ch. 304, sec. 1, p. 794; am. 1967, ch. 295, sec. 1, p. 842; am. 1969, ch. 257, sec. 1, p. 793; am. 1971, ch. 110, sec. 1, p. 233; am. 1977, ch. 140, sec. 1, p. 301; am. 1979, ch. 64, sec. 1, p. 168; am. 1980, ch. 228, sec. 1, p. 510; am. 1982, ch. 191, sec. 3, p. 517.]

31-3107. DEPUTIES AND ASSISTANTS -- APPOINTMENT AND COMPENSATION. The sheriff, the assessor, the treasurer and ex officio tax collector and the clerk of the district court and ex officio auditor and recorder shall be empowered by the board of county commissioners to appoint such deputies and clerical assistants as the business of their offices may require, and deputies to receive such remuneration as may be fixed by said board of county commissioners, which remuneration shall be paid monthly in the same manner as the salaries of the county officers are paid.

[(31-3107) 1899, p. 405, sec. 4; reen. R.C., sec. 2119; am. 1909, p. 330, sec. 1; am. 1913, ch. 127, sec. 1, p. 474; compiled and reen. C.L., sec. 2119; C.S., sec. 3700; am. 1929, ch. 83, sec. 1, p. 134; I.C.A., sec. 30-2607; am. 1959, ch. 111, sec. 1, p. 237.]

31-3108. COUNTIES ORGANIZED IN THE FUTURE. Counties created or organized hereafter shall be governed by the provisions hereof, and the boards of county commissioners of such newly-created organized counties shall respectively fix and determine at their first meeting the salaries to be paid the several county officers as herein provided for.

[(31-3108) 1899, p. 405, sec. 5; am. and reen. R.C. & C.L., sec. 2120; C.S., sec. 3701; I.C.A., sec. 30-2608.]

31-3113. CONTRACTED DUTIES OF PROSECUTING ATTORNEYS WITH CITIES. Prosecuting attorneys, with the unanimous approval of the board of county commissioners, and with the consent of the prosecuting attorney, may contract with any city within the county to prosecute nonconflicting misdemeanors and infractions.

[I.C., sec. 31-3113, as added by 1974, ch. 305, sec. 3, p. 1788; am. 1975, ch. 140, sec. 1, p. 319; am. 1975, ch. 259, sec. 1, p. 706; am. 1976, ch. 303, sec. 1, p. 1041; am. 1976, ch. 321, sec. 1, p. 1093; am. 1976, ch. 334, sec. 1, p. 1121; am. 1977, ch. 157, sec. 1, p. 406; am. 1978, ch. 287, sec. 1, p. 698; am. 1979, ch. 275, sec. 1, p. 711; am. 1980, ch. 259, sec. 1, p. 673; am. 1981, ch. 336, sec. 1, p. 699; am. 1982, ch. 191, sec. 4, p. 517; am. 1982, ch. 333, sec. 1, p. 840; am. 1991, ch. 274, sec. 1, p. 711; am. 1995, ch. 191, sec. 1, p. 682; am. 1996, ch. 398, sec. 1, p. 1329; am. 2000, ch. 116, sec. 1, p. 255.]